

**HIGH COURT OF UTTARNCHAL AT NAINITAL.**

**Writ Petition no. 1046 (S/S) 2005**

Ravi Kumar S/o Bhawan Ram,  
R/o Sitarganj Road, Khatima,  
District Udham Singh Nagar. -----Petitioner.

Vs.

1. State of Uttaranchal through  
The Secretary Revenue Department,  
Uttaranchal, Dehradun,
2. Commissioner, Kumaon Division, Nainital,
3. District Magistrate/ Collector,  
Udham Singh Nagar,
4. Addl. District Magistrate (F&R),  
District Udham Singh Nagar,
5. Sub Division Magistrate, Khatima,  
District Udham Singh Nagar. -----Respondents.

Sri. S.S. Adhikari , learned counsel for the petitioner.  
Learned Standing Counsel for respondents.

**Hon'ble M.M.Ghildiyal, J.**

Heard Sri S.S. Adhikari, learned counsel for the petitioner  
and learned Standing Counsel for respondents.

The petitioner, who was appointed in the year 1995 as Seasonal Collection Peon with the respondents, continued as such till 30<sup>th</sup> September 1997. In the year 1997, the petitioner filed writ petition bearing no. 38225/1997 before the Allahabad High Court which was disposed of by the Allahabad High Court on 19.11.1997 with a direction to the District Magistrate, Udham Singh Nagar to dispose of the representation of the petitioner and consider the question of regularization of his service by a speaking order within a period of two months from the date of production of certified copy of the order.

In pursuance of the order passed by the Allahabad High Court on 19.11.1997, the District Magistrate, Udham Singh

Nagar took a decision on the representation of the petitioner on 24.01.1998 in which it is stated that there are four posts lying vacant with the Department which shall be filled by way of direct recruitment, however, since there is ban imposed by the Govt. on the recruitments therefore, wherever the ban will be lifted, the posts shall be filled in accordance with law. Learned counsel for the petitioner has submitted that the ban has already been lifted by the Government.

The petitioner has submitted that the petitioner is a scheduled caste candidate and the posts of Seasonal Collection Peons, under the quota of scheduled cast category, are vacant in the district Udham Singh Nagar.

Counsel for the petitioner has further contended that the juniors and similarly situated persons have already been appointed by the respondents on the posts of Seasonal Collection Peon but the petitioner has been left out.

In view of the prevailing circumstances, I direct the respondent no. 3 i.e. Collector, Udham Singh Nagar to consider the case of the petitioner for his appointment as Seasonal Collection Peon with the respondents' establishment. While deciding the matter, the Collector shall take into consideration that the petitioner has previously worked with the Department since 1995 to 1997.

With these directions the writ petition is finally disposed of.

**(M.M. Ghildiyal, J.)**

July 27, 2005:

NCM: